IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4328 OF 1993

Ramesh Vithal Jain ..Petitioner

versus

The Tahsildar, Nasik & Ors. ..Respondents

Mr. P. N. Joshi for the Petitioner.

Mr. V. S. Gokhale, AGP for the Respondents - State.

CORAM : D. G. DESHPANDE, J.

DATE : 19TH OCTOBER, 2006

ORAL ORDER :

1. Heard Counsel for the Petitioner and learned AGP for the State.

2. The petitioner had challenged the order dated 15.2.1992 passed by the Officer on Special Duty & Secretary, Revenue and Forest Department, Mumbai, imposing penalty of Rs.54,000/-. Admittedly, the petitioner has started his business of quarrying even before he was granted any permission in that regard. The Circle Inspector found that he had already extracted 600 brass of

stones from the said survey number without the permission of the Tahsildar. Therefore by the order impugned herein the penalty was imposed three times of the market value of the material removed and the order of the Collector who had reduced the penalty to one time of the market value, is set aside.

3. There is absolutely no merit in this petition. The conduct of the petitioner is wholly illegal. He could have been actually prosecuted for causing loss to the Government in Criminal Court but that action has not been taken against him. He should remain contented with the order dated 15.2.1992. There is no question to reduce the penalty imposed. Such activities are on increase without any restraint and without fear of law, and, therefore, also no interference is called for. In the result, petition is dismissed. Rule Discharged. Ad-interim order, if any, stands vacated. No order as to costs.

(D.G. DESHPANDE, J.)